

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LAMAR BROWN,

Plaintiff,

Case 1:23-cv-3004

-against-

~~PROPOSED~~ DEFAULT JUDGMENT

WINDY CITY NOVELTIES INC.

Defendant,

This action having been commenced on April 10, 2023, by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on Defendant, on May 8, 2023, and a proof of service having been filed on May 9, 2023, and the defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is:

ORDERED, ADJUDGED AND DECREED:

- a. A preliminary and permanent injunction to prohibit Defendant from violating the Americans with Disabilities Act, 42 U.S.C. §§ 12182, *et seq.*, N.Y. Exec. Law § 296, *et seq.*, N.Y.C. Administrative Code § 8-107, *et seq.*, and the laws of New York, is hereby granted. ~~Within twelve months of the date of this Order, Defendant is ordered to comply with the following as follows:~~

- ~~Defendant will retain a qualified consultant acceptable to Plaintiff to assist Defendant in complying with WCAG 2.1 guidelines for Defendant's website;~~
- ~~Defendant will cooperate with the agreed upon consultant to do the following:~~
 - ~~train Defendant's employees and agents who develop the website on accessibility compliance under the WCAG 2.1 guidelines;~~
 - ~~regularly check the accessibility of the website under the WCAG 2.1 guidelines;~~
 - ~~regularly test user accessibility by blind or vision impaired persons to ensure that Defendant's website complies with the WCAG 2.1 guidelines; and~~
 - ~~develop an accessibility policy that is clearly disclosed on Defendant's website, with contact information for users to report accessibility related problems.~~

b. A declaration that Defendant owns, maintains and/or operates its Website in a manner that discriminates against the blind and which fails to provide access for persons with disabilities as required by Americans with Disabilities Act, 42 U.S.C. §§ 12182, *et seq.*, N.Y. Exec. Law § 296, *et seq.*, N.Y.C. Administrative Code § 8-107, *et seq.*, and the laws of New York;

- c. Compensatory damages in the amount of \$1,000.00 including all applicable statutory and punitive damages and fines to Plaintiff for violations of their civil rights under New York State Human Rights Law and City Law;
- d. An award of costs and expenses of this action together with attorneys' and expert fees in the amount of \$3,462.00; and
- e. Such other and further relief as this Court may deem just, proper and equitable.

Dated: New York, New York
August 8, 2025



Honorable Edgardo Ramos
United States District Judge